

Atty. Docket No.
05-15065



IN THE U.S. PATENT & TRADEMARK OFFICE OF PETITIONS

In re the application of:)
Steve Feher)
Serial Number: 10/651,628)
Date Filed: 09/02/2003)
Art Unit: 3744)
For: Temp. Cond. Apparatus)
For Trunk of Body)

**PETITION TO WITHDRAW
HOLDING OF ABANDONMENT
BASED ON FAILURE TO
RECEIVE OFFICE ACTION**

Commissioner for Patents
P.O. Box 145
Alexandria, VA 22313-1450
Mail Stop PETITION NO FEE

Dear Sir:

Pursuant to MPEP 711.03(c) and the Court's decision in Delgar v. Schulyer, 172 USPQ 513 (D. D.C. 1971), Applicant requests that the holding of abandonment be withdrawn and a new Notice of Allowance mailed because Applicant's Representative did not receive Notice of Allowance mailed February 3, 2006.

The Notice of Allowance was mailed to Applicant's previous attorney, George J. Netter, Esq. who is now deceased and passed away in about June of 2004, and returned as undeliverable to the PTO. In December of 2004 Applicant had submitted a power of attorney and correspondence change of address which was actually received by the Patent Office on December 22, 2004. See attached.

In about mid-August, 2005 I became aware of a previous Office Action that had been mailed August 8, 2005 to former attorney Netter and returned as undeliverable to the PTO. I had a conversation with Examiner Mohammed Ali regarding the same who assured me the address would be updated.

Review of my file confirms I did not receive the Notice of Allowance. Further attached is a copy of my docket of due dates for the relevant time period not indicating the issue fee coming due February 2, 2006. I did not learn of the Notice of Allowance mailed November 3, 2005 until February 8, 2006 when I happened to be reviewing the online records of the PTO in view of my client's upcoming March 2, 2006 deadline to enter the national phase under his PCT application.

In summary, for all the foregoing reasons, petition should be GRANTED. The PTO should update the attorney/address record and re-mail the Notice of Allowance.

If a telephone interview will advance allowance of the application, enabling either an Examiner's Amendment or other meaningful discussion of the case, Applicant requests that the Examining Attorney contact Applicant's Representative at the number listed below.

No fee is believed due for this petition; if additional fees are owed, the Patent Office is authorized to charge Applicant's Representative's deposit account no. 50-3116.

Respectfully submitted,

LAUSON & ASSOCIATES



Robert J. Lauson
Reg. No. 41,930

cc: Mr. Steve Feher

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**POWER OF ATTORNEY
and
CORRESPONDENCE ADDRESS
INDICATION FORM**

Application Number	10/651,628
Filing Date	09/02/2003
First Named Inventor	Feher
Title	Temp. Cond. Apparatus
Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	04-15048

I hereby appoint:

- Practitioners associated with the Customer Number:

43025

OR

- Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

- The address associated with the above-mentioned Customer Number:

OR

- The address associated with Customer Number:

OR

<input type="checkbox"/>	Firm or Individual Name
Address	
Address	
City	State
Country	Zip
Telephone	Fax

I am the:

- Applicant/Inventor.
 Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record (if assignee, put name, title and company name in the "Name" space below)

Name	Steve Feher
Signature	
Date	July 2, 2004
Telephone	(808) 395-8742

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

 *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Filters Used:



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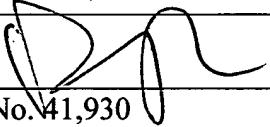
Date	Priority	Done	Code	Staff	Description	MatterRef	MatterNo	Status
1/05/2006	Thu	N		Doreen Gervais	Follow up on request for r			
1/05/2006	Thu	N		Doreen Gervais	Check for refund re Chad			
1/05/2006	Thu	N		Doreen Gervais	Payment from Aroa Mkt re			
1/05/2006	Thu	N		Robert J Lausor	GMG Close of Discovery			
1/05/2006	Thu	Y		Robert J Lausor	Last day to pay maint fee:			
1/05/2006	Thu	N		Robert J Lausor	Discovery Closes			
1/05/2006	Thu	N		Robert J Lausor	OA Resp. Due			
1/05/2006	Thu	N		Robert J Lausor	Respond to OA			
1/05/2006	Thu	N		Robert J Lausor	Select Mediator			
1/05/2006	Thu	N		Robert J Lausor	05-15084 In & Out Teriyal			
1/05/2006	Thu	N		Robert J Lausor	SkyMall Discovery Respo			
1/06/2006	Fri	Y		Robert J Lausor	Respond to OA Screamin			
1/09/2006	Mon	N		Robert J Lausor	11 a.m. Hearing re Premie			
1/20/2006	Fri	N		Remee C McNu	Remee out (Doctor's)			
1/23/2006	Mon	N		Robert J Lausor	ADR-1 form shall be lodg American Technocrete CV05-1448			
1/23/2006	Mon	N		Robert J Lausor	Trademark Office Actions			
1/23/2006	Mon	N		Robert J Lausor	In & Out House Complian			
1/27/2006	Fri	Y		Robert J Lausor	GMG Discovery Motion D			
1/27/2006	Fri	Y		Robert J Lausor	Europe Comm. Design Ce			
1/27/2006	Fri	Y		Robert J Lausor	OA Resp Due SYCRO TE			
2/01/2006	Wed	N		Robert J Lausor	Gelfat Renew WQVENST			
2/01/2006	Wed	N		Robert J Lausor	Respond to OA DIGI TRE			
2/03/2006	Fri	Y		Robert J Lausor	Renew WWW.GOURME1			
2/06/2006	Mon	Y		Robert J Lausor	Trademark Office Action F			
2/08/2006	Wed	Y		Robert J Lausor	Response to counterclaim			
2/13/2006	Mon	N		Robert J Lausor	GMG Last Pretrial motion			
2/16/2006	Thu	N		Robert J Lausor	Opposer's 30 Day Testim			
2/23/2006	Thu	N		Robert J Lausor	GMG Confid. Settle. Brief			
2/23/2006	Thu	N		Robert J Lausor	Response to OA Due MA			
2/23/2006	Thu	N		Robert J Lausor	CA Concrete Ct Status Te			
2/24/2006	Fri	Y		Robert J Lausor	Steinhausen Jap App Am			
2/28/2006	Tue	N		Robert J Lausor	GMG Gadget Settlement			
3/02/2006	Thu	N		Robert J Lausor	Enter Nat'l Phase for A/C			
3/02/2006	Thu	N		Robert J Lausor	VLOG.TV TM OA Resp. C			
3/03/2006	Fri	N		Robert J Lausor	OUTDOORS PLACE Res			
3/03/2006	Fri	N		Robert J Lausor	KINDERGARDENING Re			
3/03/2006	Fri	N		Robert J Lausor	David Gwerstein Sculptur			
3/07/2006	Tue	N		Robert J Lausor	SeniorGardening Respon			
3/07/2006	Tue	N		Robert J Lausor	YESTERDAYLAND SOU			
3/07/2006	Tue	N		Robert J Lausor	Steven's Nursery TM OA I			
3/08/2006	Wed	N		Robert J Lausor	Deck Rest. TM OA Resp.			
3/15/2006	Wed	N		Robert J Lausor	Herbal Jump Start TM Re			
3/16/2006	Thu	N		Robert J Lausor	PremierCrete TM OA Res			
3/16/2006	Thu	N		Robert J Lausor	Expert Reports Due			



CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelop addressed as follows:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
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on FEB 6, 2006


Robert J. Lauson, Reg. No. 41,930 Date FEB 6, 2006